

## REMARKS

This Amendment is filed in response to the Office Action dated February 8, 2005. By this Amendment, claims 1, 2, 12, 18, 24, and 36 are amended, leaving claims 3-11, 13-17, 19-23, 25-35, and 37-42 unchanged.

On pages 2 and 3 of the Office Action, claims 1, 2, 7-15, 17, 18, 23, 36, and 42 are rejected under 35 U.S.C. §102(b), as being anticipated by United Kingdom Patent Number 591,253 issued to Garbe.

Claim 1 is hereby amended, and calls for:

A pole connector assembly for connecting first and second pole sections, the pole connector assembly comprising:

- an insert dimensioned to be received within an end of the first pole section, the insert having a one-piece unitary body, an aperture defined in the one-piece unitary body, and a deflectable portion of the one-piece unitary body; and
- a fastener having a first end insertable into the aperture, the fastener having at least one surface positioned to contact and limit deflection of the at least one deflectable portion to less than that needed to permit removal of the insert from the first pole section, the fastener also having a second end coupled to the second pole section.

(Amendment marks not shown).

Claim 12 is also hereby amended, and calls for, among other things:

A pole connector assembly for connecting first and second pole sections, the pole connector assembly comprising:

- an insert dimensioned to be received within an end of the first pole section, the insert having:
  - a body having at least one portion being deflectable with respect to a remainder of the body; and
  - an aperture defined in the body; and
- a fastener having a first end insertable into the aperture and movable to a position with respect to the at least one portion of the body in which a surface of the fastener contacts and substantially limits deflection of the at least one portion of the body to less than that needed to permit removal of the insert from the first pole section, and a second end coupled to the second pole section.

(Amendment marks not shown).

Claim 36 is also hereby amended, and calls for, among other things:

A method of assembling a pole, comprising:

inserting a first insert into an end of a first pole section, the first insert having at least one inwardly-deflectable projection;

inserting a fastener into an aperture in the first insert;

contacting a portion of the fastener with the at least one inwardly-deflectable projection;

limiting inward deflection of the at least one inwardly-deflectable projection with the portion of the fastener; and

coupling the fastener to a second pole section.

(Amendment marks not shown).

Some embodiments of the present invention provide a pole connector and method of assembling a pole in which an insert is received within an end of a first pole section, and a surface or portion of a fastener coupled to a second pole section is positioned to contact and limit deflection of a deflectable portion of the insert in the first pole section. In some embodiments, such contact limits deflection of the deflectable portion to the extent necessary to prevent removal of the insert from the first pole section.

In contrast, the Garbe device is a tube joint in which a threaded joining member (3, 4, 5) (compared by the Examiner to the fastener claimed in claims 1, 12, and 36) only functions to draw plugs 6 into slotted sleeves 7 within tubes 1. No surface or portion of the threaded joining member (3, 4, 5) both contacts and limits deflection of the projections of the slotted sleeve 7 (compared by the Examiner to the deflectable projection or portion claimed in claims 1, 12, and 36). Accordingly, the Applicant respectfully submits that Garbe fails to teach, describe, or suggest, among other things, a pole connector having a fastener with a surface that, when the fastener is inserted into an aperture of an insert, contacts and limits deflection of a deflectable portion of an insert in a pole section as claimed in amended claims 1, 12, and 36, and that thereby prevents removal of the insert from the pole section as also claimed in claims 1 and 12. Withdrawal of the 35 U.S.C. §102(b) rejections of claims 1, 12, and 36 is therefore respectfully requested.

Claims 2 and 7-11, claims 12-15, 17, 18, and 23, and claims 36 and 42 are each ultimately dependent upon amended claims 1, 12, and 36, respectively, and are therefore allowable based upon amended claims 1, 12, and 36, and upon other features and elements claimed in claims 2, 7-15, 17, 18, 23, 36, and 42 but not discussed herein.

On pages 3 and 4 of the Office Action, claims 24-29 are rejected under 35 U.S.C. §102(e), as being anticipated by United States Patent Number 6,511,099 issued to Bartholomä, et al.

Claim 24 is hereby amended, and calls for, among other things:

A pole connector assembly for connection of two sections of a pole, the pole connector assembly comprising:

- an insert dimensioned to be received within an end of a first pole section, the insert having a body portion and an aperture defined in the body portion; and
- a deformable fastener engagable within the aperture in the body portion of the insert and connectable to a second pole section, the deformable fastener having a position within the insert in which a deformable portion of the deformable fastener located within the first pole section prevents removal of the insert from the first pole section.

(Amendment marks not shown).

Some embodiments of the present invention provide a pole connector assembly having a deformable fastener engagable within an aperture of an insert in a first pole section and connectable to a second pole section, wherein a deformable portion of the fastener within the first pole section prevents removal of the insert from the first pole section.

The clamping collet 9, connectors 5, and sheath 11 of the Bartholomä device are compared by the Examiner to the fastener, insert, and first pole section, respectively, claimed in claim 24. However, in contrast to the relationship between the first pole section and the deformable portion of the fastener claimed in amended claim 24, the deformable portion of the clamping collet 9 in the Bartholomä device is located outside of the sheath 11 (see, for example, FIGS. 1-3 of Bartholomä). Accordingly, the Applicant respectfully submits that Bartholomä fails to teach, describe, or suggest, among other things, a pole connector assembly having a deformable fastener engagable within an aperture of an insert in a first pole section and connectable to a second pole section, wherein a deformable portion of the fastener within the first pole section prevents removal

of the insert from the first pole section as claimed in amended claim 24. Withdrawal of the 35 U.S.C. §102(e) rejection of claim 24 is therefore respectfully requested.

Claims 25-29 are each ultimately dependent upon amended claim 24, and are therefore allowable based upon amended claim 24 and upon other features and elements claimed in claims 25-29 but not discussed herein.

On page 2 of the Office Action, the double-patenting rejection of claims 1, 2, 4-7, 11-14, 18-20, and 22 is withdrawn in view of the Amendment filed on November 23, 2004, which is described as rendering the claims of the present application narrower than the claims of U.S. Patent Number 6,626,605 issued to Dean, et al. The subject matter of claims 1, 2, 4-7, 11-14, 18-20, and 22 of the present application is substantially different than that of the Dean et al. claims. However, the Applicant wishes to note that claims 1, 2, 4-7, 11-14, 18-20, and 22 of the present application are broader in some respects than the claims of Dean et al.

On page 4 of the Office Action, claims 3-6, 16, 19-22, and 37-41 are objected to as being dependent upon a rejected base claim, but are indicated as being allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Also, on pages 4 and 5 of the Office Action, claims 30-35 are allowed. Comments are provided for the allowable subject matter of claims 3-6, 16, 19-22, and 37-41 and the allowance of claims 30-35.

The Applicant respectfully submits that the comments regarding the allowable subject matter of claims 3-6, 16, 19-22, and 37-41 and the allowance of claims 30-35 do not set forth all of the reasons why claims 3-6, 16, 19-22, and 37-41 would be allowable if rewritten as suggested, or why claims 30-35 are allowable in their current form. In particular, a number of other features, elements, and functional relationships claimed in claims 3-6, 16, 19-22, 30-35, and 37-41 provide additional and different bases for allowance of the claims.

The Applicants respectfully submit that each of claims 3-6, 16, 19-22, 30-35, and 37-41 are separately patentable based upon the combinations of features and elements (and relationships thereof) claimed in claims 3-6, 16, 19-22, 30-35, and 37-41 rather than upon any one feature,

element, or sub-combination of features and/or elements, as indicated in the comments in the Allowable Subject Matter section of the Office Action.

In view of the amendments and remarks presented herein, it is respectfully submitted that the claims as amended are in condition for allowance. The Applicant requests that the Examiner telephone the attorneys of record in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,



Christopher B. Austin  
Reg. No. 41,592

Docket No.: 205332-9014

Michael Best & Friedrich LLP  
401 North Michigan Avenue  
Suite 1900  
Chicago, Illinois 60611  
(312) 222-0800  
S:\client\205332\9014\A1196274.1